

**In the
Indiana Supreme Court**

IN RE THE MARRIAGE OF)	Supreme Court No. 21S00-0603-SJ-117
)	
DEBRA MAE RICE)	
)	
and)	
)	Case No. 21C01-9508-DR-240
ALLAN C. RICE)	in the Fayette Circuit Court

ORDER REMANDING JURISDICTION

Comes now the Clerk of the Fayette Circuit Court, and pursuant to Ind.Trial Rule 79(H), certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Fayette Circuit Court and Special Judge Darrin M. Dolehanty. The Chronological Case Summary reveals that a change of judge was granted in this matter on December 20, 2005. A panel of judges was named and a judge selected through the striking process. Pursuant to Ind. Trial Rule 79(G), on February 6, 2006, the selected judge declined to accept the case. The clerk was instructed to select the next judge as provided by local rule, in accordance with Ind. Trial Rule 79(H). Judge Dolehanty was notified of his selection as special judge, but declined to accept the case. Ind. Trial Rule 79(H) does not permit the selected judge to decline service. Unless disqualified, ineligible or excused by the Supreme Court, a judge selected under Ind. Trial Rule 79(H) must accept jurisdiction of the case.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Fayette Circuit Court and Judge Dolehanty.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Darrin M. Dolehanty, Wayne Superior Court, 301 East Main Street, Richmond, IN 47374-4200, and to the Clerk of the Fayette Circuit Court.

The Clerk of the Fayette Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of April, 2006.

Acting Chief Justice of Indiana